



CANNON BUILDING
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STATE OF DELAWARE
DEPARTMENT OF STATE

DIVISION OF PROFESSIONAL REGULATION

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PUBLIC MEETING MINUTES:	Board of Geologists
MEETING DATE AND TIME:	Friday, August 10, 2012 at 10:00 a.m.
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Conference Room B, Cannon Building
MINUTES APPROVED:	September 7, 2012

MEMBERS PRESENT

William "Sandy" Schenck, President, Professional Member
Scott Blaier, Vice President, Professional Member
David Reinhold, Secretary, Professional Member
Douglas Rambo, Professional Member
Patricia Ennis, Public Member
Maureen LaFate, Public Member – entered meeting at 10:22
Amos Aiken, Public Member – left meeting at 11:50

DIVISION STAFF/DEPUTY ATTORNEY GENERAL

Sandra Wagner, Administrative Specialist III
Joseph Riff, Administrative Specialist II
Allison Reardon, Deputy Attorney General

MEMBERS ABSENT

None

PUBLIC PRESENT

None

CALL TO ORDER

Mr. Schenck called the meeting to order at 10:06 a.m.

RULES AND REGULATIONS HEARING

See hearing minutes following the Board's minutes below.

REVIEW OF MINUTES

The Board reviewed the meeting minutes from the June 1, 2012 meeting. Ms. Ennis made a motion, seconded by Mr. Aiken, to approve the minutes. The motion carried unanimously.

OLD BUSINESS

There was no old business to discuss.

NEW BUSINESS

Strategic Plan

Mr Schenck summarized the 2012 – 2013 goals and objectives from the strategic plan for the Delaware Board of Geologists. The first goal is to continue to provide outreach to licensees by filling the informational void created by the lack of a geological association in Delaware. This will be accomplished by developing a newsletter to be published on the Board's website annually in July of each year. The second goal is to amend 24 Del. C. § 3611 to

add an inactive status for licensees. The Board will move forward by drafting a bill to amend the statute to be presented to the Legislature for consideration to have the law amended. In connection of the discussion of the strategic plan, Ms. Reardon reminded the Board and its Administrators that the items listed on the agenda should contain enough detail to enable members of the public to determine if a matter is of interest to them. For example, the current agenda item "Strategic Plan" should indicate the items to be discussed. This reminder is being given to all Boards by their deputies and not just the Board of Geologists. Also, when holding a hearing, the start time of the hearing should be stated on the agenda as well as a description of the purpose of the hearing.-

With regard to hearings, Ms. Reardon explained that SB 178 modified the Administrative Procedures Act. The provisions now in 29 *Del. C.* §10118(a) relating to public hearings on regulations require that the period to submit written public comment be held open for an additional 15 days following the public hearing. As a result, the Board will have to hold its deliberations on the matter until its next meeting to consider all of the public comment before making a final determination on whether to adopt the regulations as proposed or to make changes.

Practice under Licensed Supervision

There were no letters documenting practice under licensed supervision for this meeting.

Review of Continuing Education Approval Applications

Michael Grifasi – NYS Bar Association

Mr. Rambo summarized the application for the Board. Mr. Rambo made a motion, seconded by Mr. Schenck, to approve the course, Marcellus Shale: New Regulation and Changes, for 3 CEU's. The motion carried unanimously.

James Arthur - Rutgers

Mr. Rambo summarized the application for the Board. Mr. Rambo made a motion, seconded by Mr. Aiken, to not approve the course, NJDEP SRRA Implementation: The Final Rule Package, for a total of 6.5 CEU's based on the lack of geologic content. The motion carried unanimously.

Mr. Rambo summarized the application for the Board. Mr. Rambo made a motion, seconded by Mr. Blaire, to not approve the course, Navy Design Workshop, for a total of 3 CEU's based on the lack of geologic content. The motion carried unanimously.

Midwest GeoScience Group

Mr. Rambo summarized the application for the Board. Mr. Rambo made a motion, seconded by Mr. Reinhold, to approve the course, "Advanced Aquifer Testing Featuring AQTESOLV: New Concepts, Field Methods and Data Analysis Procedures", for a total of 24 CEU's. The motion carried unanimously.

Mr. Rambo summarized the application for the Board. Mr. Rambo made a motion, seconded by Mr. Aiken, to approve the course, Aquifer Testing Techniques for Improved Hydrogeologic Site Characterization, for a total of 16 CEU's. The motion carried unanimously.

Mr. Rambo summarized the application for the Board. Mr. Rambo made a motion, seconded by Mr. Reinhold, to approve the course, Improving Hydrogeologic Analysis of Fractured Bedrock Systems, for a total of 24 CEU's. The motion carried unanimously.

Mr. Rambo summarized the application for the Board. Mr. Rambo made a motion, seconded by Mr. Schenck, to approve the course, Improving the Description and Characterization of Glacial Successions for Environmental and Engineering Projects, for a total of 16 CEU's. The motion carried unanimously.

Mr. Rambo summarized the application for the Board. Mr. Rambo made a motion, seconded by Mr. Aiken, to approve the course, Advanced LNAPL Site Management and Quantitative Analysis, for a total of 16 CEU's. The motion carried unanimously.

Mr. Rambo summarized the application for the Board. Mr. Rambo made a motion, seconded by Mr. Schenck, to approve the course, Interpreting Aquifer Testing in Fractured Rock, for a total of 1.5 CEU's. The motion carried unanimously.

Mr. Rambo summarized the application for the Board. Mr. Rambo made a motion, seconded by Mr. Aiken, to approve the course, Evaluating the Significance of Matrix Diffusion in Fractured Rock, for a total of 1.5 CEU's. The motion carried unanimously.

Mr. Rambo summarized the application for the Board. Mr. Rambo made a motion, seconded by Mr. Reinhold, to approve the course, The Use and Misuse of the Unified Soil Classification System, for a total of 1.5 CEU's. The motion carried unanimously.

Mr. Rambo summarized the application for the Board. Mr. Rambo made a motion, seconded by Mr. Schenck, to approve the course, Handling Non-Detect Data Correctly, for a total of 1.5 CEU's. The motion carried unanimously.

A brief discussion of continuing education audits ensued. Ms. Reardon explained to the Board that previously when the Board determined that a licensee appeared not to be in compliance with the continuing education requirements following an audit, the Board conducted a show cause hearing. Ms. Reardon explained that the compliance hearings may now be conducted in the first instance by a hearing officer who will conduct the hearing and make recommendations to the Board. The Board will be bound by the findings of fact but may modify the conclusions of law and recommended penalty. The hearing officers are authorized to conduct the hearings under the provisions of 29 Del. C. § 8735 (v)(1) which created the hearing officer positions within the Administrative Hearing Unit of the Division of Professional Regulation.

Review of Application for Reciprocity

Mr. Blaier reviewed the application for Ms. Lieschen Fish with the Board. Mr. Blaier made a motion, seconded by Mr. Aiken, to grant Ms. Fish licensure in Delaware. The motion carried unanimously.

Review of Applications for Examination

Mr. Blaier reviewed the application for Mr. Patrick Boettcher with the Board. Mr. Blaier made a motion, seconded by Mr. Aiken to grant Mr. Boettcher licensure in Delaware pending the successful passing the ASBOG FG and PG exams. The motion carried unanimously.

Complaint Assignments

Complaint 23-01-11 was closed by investigator.

Complaint Status

There were no new complaints.

DISCUSSION OF FOREIGN TRANSCRIPT CREDENTIALING ENTITIES

The Board reviewed a list of foreign credentialing organizations ASBOG recommends on their website and one additional organization that the University of Delaware uses. Mr. Schenck made a motion, seconded by Mr. Blaier, to create a list of foreign transcript credentialing entities and place it on the Division's website identifying acceptable foreign credentialing organizations, including: World Education Services, Educational Credential Evaluators, Inc., Foreign Consultants, Inc., and AACRAO (American Association of Collegiate Registrars & admissions) IES (International Education Services). If a licensee elects to use an organization not on the list, the organization will have to provide a -course by course report which includes credit and grade equivalents for each course and the university levels between the foreign course and the U.S. course equivalents. The motion carried unanimously.

DISCUSSION OF ASBOG CHARTER AND BYLAWS

Mr. Schenck reminded the Board of the Annual ASBOG meeting and wanted to know if any of the professional members will be attending. The Delaware Board will need to have a professional member attend to be the DE Voting Delegate because Mr. Schenck is on the ASBOG Executive Committee and will not be able to be the Voting Delegate this year. Mr. Schenck would like to see one of the professional members attend the Council of Examiners meeting as well.

Mr. Schenck discussed that ASBOG is cleaning up their Charter and Bylaws due to big changes in the Roberts Rules or Order which ASBOG follows. The information Mr. Schenck shared with the Board was just for the Board member's review, no action was needed at this time.

OTHER BUSINESS BEFORE THE BOARD (for discussion only)

Ms. Reardon told the Board that a discussion about Executive Order 36 will be on the agenda for September. Ms. Reardon said she noticed that manslaughter was added to the list of crimes recently and stated that additional crimes have been added to Title 11 and -that the Board should -add the list of crimes as a discussion item for a future agenda item after she finishes compiling the updated list.

WALL CERTIFICATES

There were no wall certificates to sign.

PUBLIC COMMENT

None

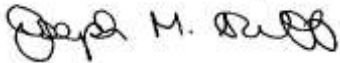
NEXT SCHEDULED MEETING

The next meeting is scheduled for September 7, 2012, at 10:00 a.m. in Conference Room B, second floor of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware.

ADJOURNMENT

There being no further business, Mr. Schenck made a motion, seconded by Mr. Reinhold, to adjourn the meeting at 12:20 p.m. The motion carried unanimously.

Respectfully submitted,



Joseph Riff – DE Board of Geologists
Administrative Specialist II

The notes of this meeting are not intended to be a verbatim record of the topics that were presented or discussed. They are for the use of the Board members and the public in supplementing their personal notes and recall for presentations.

HEARING MINUTES

HEARING – Rules and Regulations

The Delaware Board of Geologists held a hearing on August 10, 2012 at 10:31 a.m. in the Second Floor Conference Room B, Cannon Building, 861 Silver Lake Blvd., Suite 203, Dover, Delaware.

PRESENT: William Schenck, David Reinhold, Scott Blaier, Amos Aiken, Patricia Ennis, Douglas Rambo and Maureene LaFate

RECUSED:

EXCUSED:

PURPOSE: Rules and Regulations

PRESIDING: William Schenck, President

BOARD STAFF: Joseph Riff, Administrative Specialist II and Sandra Wagner, Administrative Specialist III

DEPUTY ATTORNEY GENERAL FOR THE BOARD: Allison Reardon, Esq.

DEPUTY ATTORNEY GENERAL FOR THE STATE:

RESPONDENT:

COUNSEL FOR THE RESPONDENT:

WITNESSES FOR THE STATE:

WITNESSES FOR THE RESPONDENT:

COURT REPORTER PRESENT: Lorena Hartnett, Wilcox and Fetzer

TIME STARTED: 10:31 a.m.

The court reporter took verbatim testimony. The Board introduced themselves for the record. Ms. Reardon described the nature of the regulatory hearing and established that all required notices were met. Ms. Reardon entered the required newspaper hearing notices as States' Exhibit 1 and 2 and noted that no written comment had been received. Ms. Reardon advised the Board that pursuant to SB 178 signed by the Governor, the Board would need to defer its deliberations until its next regularly scheduled meeting. SB 178 amended 29 *Del. C.* § 100118(a) by extending the opportunity for public written comment for a minimum of 15 days after the final public hearing. The Board will deliberate at its September meeting. Mr. Schenck made a motion, seconded by Mr. Aiken, to adjourn the rules and regulation hearing until the September meeting.

The motion was unanimously approved.

The hearing concluded at 10:45 a.m.